

In re REFCO, INC. SECURITIES LITIGATION	:	07 MDL No. 1902 (GEL)
	:	ECF FILED
	:	
GEORGE L. MILLER, Chapter 7 Trustee For the Estate of Suffolk LLC,	:	
	:	
Plaintiff,	:	Index No. 09 Civ. 2917 (GEL)
	:	
v.	:	
	:	
JOSHUA MAILMAN,	:	
	:	
Defendant.	:	<b>SUPPLEMENTAL DECLARATION OF JOSHUA MAILMAN</b>

Joshua Mailman declares under penalty of perjury:

1. I am the defendant in the above-captioned action. I submit this Supplemental Declaration in further support of my motion to dismiss the Complaint.
2. My original Declaration dated June 8, 2009, which was filed with my motion, did not contain a copy of the check I received from the Bank of New York in exchange for my shares in PlusFunds, due to a delay in obtaining the document from the archived records of Citibank. I obtained it recently and have attached it as Exhibit A hereto.
3. This document provides further support for my statement that I received payment from the Bank of New York as the escrow agent for the tender offer.

I declare under penalty of perjury that the foregoing is true and correct.

Dated: New York, New York  
June 19, 2009

  
Joshua Mailman

# **EXHIBIT A**

**THE BANK OF NEW YORK**

39426

NO. NYC028995  
NYC. 28995

1-1  
210

PAY THE SUM OF \*\*\*\*\*379,113 DOLLARS AND 78/100 DOLLARS\*\*379,113.78

SECTION 04 - PAYABLE AS AGENT FOR

PLUSFUNDS GROUP INC / SUFFOLK LLC SER A

TO THE  
ORDER  
OF

JOSHUA MAILMAN  
1 WEST 67TH STREET  
NEW YORK NY 10023

  
AUTHORIZED SIGNATURE

650 (BONYRG)

1028995\* 021000018\* 10000994731\*

ENDORSE CHECK HERE

X

For Dep Only  
37055208

DO NOT WRITE OR STAMP BELOW THIS LINE

DEPOSITORY BANK ENDORSEMENT

0210000089 6512 20210-00089  
B00104 CITIBANK NY  
0570 550104852 060905 2042422627